

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

DREAGLEN DAVIS	§	
v.	§	CIVIL ACTION NO. 6:10cv646
CHAIRMAN OF THE TEXAS BOARD OF CORRECTIONS, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
DENYING PLAINTIFF'S REQUESTS FOR INJUNCTIVE RELIEF

The Plaintiff Dreaglen Davis, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Davis has filed two separate motions for “protective orders,” although these are essentially identical. He complains about the conditions of confinement and says that he is having difficulties with the necessities department, with officers harassing him, with obtaining refills for medication, and with harassment in the law library. He asks that the Court “protect him from the defendants and their co-workers.”

After review of the motions, the Magistrate Judge issued a Report construing Davis’ motions as requests for injunctive relief, and recommending that these requests be denied. The Magistrate Judge stated that Davis had failed to show that the facts and law clearly favor his requests for injunctive relief, and that Davis had not shown that he faced a substantial threat of irreparable harm or a substantial likelihood of prevailing on the merits. Nor did Davis show any connection between the incidents complained of in his lawsuit and those forming the basis of his requests for injunctive

relief. Finally, the Magistrate Judge said that Davis had not shown that the proposed injunctive relief would not disserve the public interest, in that it represented a high level of interference by the federal courts with the day-to-day operations of a state agency. Davis filed objections to the Magistrate Judge's Report on February 28, 2011.

The Court has conducted a careful *de novo* review of the pleadings in this cause. Upon such *de novo* review, the Court has concluded that the Report of the Magistrate Judge is correct and that the Plaintiff's objections are without merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and that the Report of the Magistrate Judge is ADOPTED as the opinion of the district court. It is further

ORDERED that the Plaintiff's motions for a "protective order," construed as requests for injunctive relief (docket no.'s 15 and 16) are hereby DENIED.

It is SO ORDERED.

SIGNED this 2nd day of March, 2011.

A handwritten signature in black ink, reading "Michael H. Schneider", is written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE